

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

JESSICA TAYLOR,

Plaintiff,

v.

CHARLESTON SOUTHERN
UNIVERSITY,

Defendant

C.A. No. 2:22-cv-03387-DCN

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a), (c), and § 1446, Defendant Charleston Southern University (“Defendant”) files this Notice of Removal to the United States District Court for the District of South Carolina, Charleston Division. Removal is proper based on the following grounds:

1. A civil action was filed by Plaintiff on August 17, 2022, and is now pending in the Court of Common Pleas of Charleston County, South Carolina. That action appears by the title of *Jessica Taylor v. Charleston Southern University* and designated as File No. 2022-CP-10-03765 (the “State Court Action”). Plaintiff’s Complaint alleges three causes of action: (1) discrimination in violation of the Americans with Disabilities Act (“ADA”) and Rehabilitation Act; (2) retaliation in violation of the ADA and Rehabilitation Act; and (3) intentional infliction of emotional distress.

2. The state court Summons and Complaint were served on Defendant on September 2, 2022. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant from the State Court Action are attached hereto as Exhibit A.

3. This Notice of Removal is being filed timely within thirty (30) days after receipt, by Defendant by service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based as required by 28 U.S.C. § 1446(b).

4. No further proceedings have been had in the Court of Common Pleas of Charleston County, as of the date of the filing of this Notice.

5. Removal is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331, as this action involves claims that relate to the laws of the United States – specifically, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. (Compl. at ¶¶ 7, 8, 9, 11, 59 – 86.) Accordingly, the Complaint establishes on its face that Plaintiff’s claims are governed by federal law and that this matter is removable to this Court under the Court’s federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1441(a).

6. The Court has supplemental jurisdiction over Plaintiff’s state law claim pursuant to 28 U.S.C. § 1367.

7. Written notice of the filing of the Notice of Removal is being served upon Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the Court of Common Pleas, Charleston County as provided by 28 U.S.C. § 1446(d).

8. Venue is proper in this court pursuant to 28 U.S.C. § 1441(a) in that this district and division embrace the place where the action is pending.

9. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

10. This removal is made without waiver of any defenses or affirmative defenses, including those under Fed. R. Civ. P. 12, or Defendant's right to move for dismissal, on substantive or procedural grounds, of any cause of action asserted in the Complaint.

WHEREFORE, Defendant prays that further proceedings in the Charleston County Court of Common Pleas for the State of South Carolina be discontinued and that said Civil Action No. 2022-CP-10-03765 now pending in the Charleston County Court of Common Pleas for the State of South Carolina be removed to the United States District Court for the District of South Carolina and that such Court assume full jurisdiction of such action as provided by law.

Respectfully submitted,

s/ Laura A. Ahrens

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***ATTORNEYS FOR DEFENDANT
CHARLESTON SOUTHERN UNIVERSITY***

Dated: September 30, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

JESSICA TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 2:22-cv-03387-DCN
)	
CHARLESTON SOUTHERN)	
UNIVERSITY,)	
)	
Defendant)	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **DEFENDANT’S NOTICE OF REMOVAL** was served this day on counsel for Plaintiff via US Mail and ECF service to:

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Dated: September 30, 2022